IN THE UNITED STATES DISTRICT COUR WALTER A

FOR THE DISTRICT OF HAWAII

WAYNE BERRY,) CIVIL NO. 01 00446 SPK LEK
Plaintiff,)
vs.)
FLEMING COMPANIES, INC., aka FLEMING FOODS, INC., aka FLEMING, DOE INDIVIDUALS 1-50 AND DOE PARTNERSHIPS, CORPORATIONS AND OTHER ENTITIES 1-20,) SPECIAL VERDICT FORM))))))
Defendants.)))

SPECIAL VERDICT FORM

FREIGHT CONTROL SYSTEM SOFTWARE A.

Has Plaintiff Wayne Berry proven by a preponderance of the evidence 1. that he is the owner of the copyright to the Freight Control software attached to Exhibit 221?

Yes 🗶	No
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If "YES" go to next question. If "NO", skip to section B.

2. Did Fleming Companies, Inc. prove by a preponder evidence that it has a valid license for the use of the software.		
	Yes Yes	No
	If "YES" go to next question. If "NO" go to question 4.	
3.	Fleming made unauthorized cl	oreponderance of the evidence that hanges to the Freight Control software
	Yes	No
	If "NO" skip to section B. If "YES" go to next question.	· ,
4.	Was the infringement of the Fi willful?	reight Control software copyright
	Yes	No
	Go to the next question.	
5.	What amount of damages is Winfringement of Freight Control	
	498,250.00	

CRYSTAL REPORTS SOFTWARE B.

1.	Has Plaintiff Wayne Berry proven by a preponderance of the exthat he is the owner of the copyright to the Crystal Reports soft attached to Exhibit 222?	
	Yes	No
	If "NO", skip to section C. If "YES" go to next question.	
2.	Did Fleming Companies, Inc. prove by a preponderance of the evidence that it has a valid license for the use of the Crystal Reports software.	
	Yes	No
	If "YES" go to next question. If "NO" go to question 4.	
3.	Did Wayne Berry prove by a p Fleming made unauthorized ch	preponderance of the evidence that nanges to the Crystal Reports software.
	Yes	No X
	If "NO" skip to section C. If "YES" go to next question.	
4.	Was the infringement of the Crystal Reports software copyright willful?	
	Yes	No
	Go to the next question.	

C.

5.	What amount of damages is infringement of Crystal Repo	Wayne Berry entitled to for the orts software?
FLE	MINGPO.EXE SOFTWARE	
1.	Has Plaintiff Wayne Berry proven by a preponderance of the evidence that he is the owner of the copyright to the FlemingPO.exe software attached to Exhibit 223?	
	Yes 🗼	No
	If "YES" go to next question If "NO", skip to the end.	ı .
2.	Did Fleming Companies, Incevidence that it has a valid lisoftware.	c. prove by a preponderance of the cense for the use of the FlemingPO.exe
	Yes	No
	If "YES" go to next question If "NO" go to question 4.	ı .
3.	3. Did Wayne Berry prove by a preponderance of the evidence Fleming made unauthorized changes to the FlemingPO.exe s	
	Yes	NoX_

If "NO" skip to the end.
If "YES" go to next question.

4.	Was the infringement of the FlemingPO.exe software copyright willful?	
	Yes	No
	Go to the next question.	
5.	What amount of damages infringement of FlemingP	is Wayne Berry entitled to for the O.exe software?
		*
Please sign and date this Special Verdict Form.		
Jury Forepo	erson	200 Electronic -
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75	Ce	atsa
Kny	R John D	Mat fluid
·		In Monto
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